

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

INNOVATION VENTURES LLC, et al.,

No. C -12-05523 WHA (EDL)

Plaintiffs,

**ORDER REGARDING PARTIES' JULY
16, 2013 JOINT STATEMENT**

v.

PITTSBURG WHOLESALE GROCERS, INC.
et al.,

Defendants.

On July 12, 2013, the Court ordered the parties to file a joint statement informing the Court whether any discovery disputes remained after Judge Alsup's July 3, 2013 hearing. On July 16, 2013, the parties timely filed a joint statement setting forth their positions on the remaining disputes. The Court has reviewed that statement, the transcript of the July 3, 2013 hearing and the parties' letter briefs regarding their discovery disputes, and issues the following order.

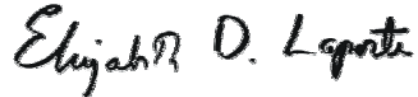
The remaining issues are: (1) a deadline for Plaintiff to respond to Defendant Dan-Dee's interrogatories as ordered by Judge Alsup; and (2) responses to Defendant's requests for production of documents. First, Plaintiff shall serve responses to Defendant's interrogatories pursuant to Judge Alsup's July 3, 2013 ruling no later than July 31, 2013.

Second, the Court denies Defendant's request for responses to requests for production of documents 1, 5, 6, and 7 in accordance with Judge Alsup's ruling on the responses to interrogatories. The Court is inclined to grant Defendant's request for responses to requests for production of documents 2, 3, and 4 pursuant to Judge Alsup's ruling with respect to interrogatories 2 and 3. Requests for production of documents 12-17 do not appear to coincide with any of the interrogatories at issue before Judge Alsup. Therefore, no later than July 24, 2013, the parties shall file a joint letter of no more than ten pages setting forth each party's substantive position on requests

1 for production 2, 3, 4, and 12-17. The Court understands that Plaintiff believes that discovery
2 should be denied entirely because Defendant's first affirmative defense is not tenable, but in the
3 joint letter, the parties shall make arguments on the merits of each discovery request. Although
4 Plaintiff requests that the Court delay ruling on the outstanding discovery disputes in this matter
5 until Judge Alsup decides the recently-filed motion for judgment on the pleadings, that request in
6 effect asks this Court to overrule Judge Alsup's July 3, 2013 discovery ruling, which the Court
7 declines to do.

8 **IT IS SO ORDERED.**

9 Dated: July 17, 2013



ELIZABETH D. LAPORTE
United States Chief Magistrate Judge